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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-3, 6, 7, 9-11, 14, 15, 17-19, 22, and 23 have been rejected under 35 U.S.C. §102 as being anticipated by Kuroda, JP-03168985, and Claims 1-5, 9-13, 15, and 17-21 have been rejected as being anticipated by Onda, USPN 6,417,991. Also, Claims 1, 2, 7-10, 15-18, and 23 have been rejected as being anticipated by Eckerd et al., USPN 6,091,576.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the rejections, independent apparatus Claim 1 now recites the limitation of now-canceled Claim 2, namely, that a distance between the motion limiting element and the assembly is established to constrain movement of the suspension away from the disk such that an air bearing between the slider and disk is not disrupted. Independent Claim 17 sets forth means for mechanically constraining movement of the data transfer element away from the data storage medium in the event of a mechanical shock to the device while operating in a protected region of the medium such that an air bearing surface is not disrupted by the movement of the data transfer element. Claims 1 and 2-23 (as properly numbered) remain pending.

Rejections should be strictly confined to the best available art. Cumulative rejections should be avoided, MPEP §706.02. Here, three separate references have been used to reject each independent claim. Should the rejections be persisted in, compliance with the MPEP is requested.

To support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131. For a property or element to be

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"inherent" in a prior art reference, the reference *necessarily* must have the property or element, MPEP §2112.

Here, none of the relied-upon references teach or suggest establishing the distance between their respective motion limiting elements and respective suspension assemblies such that when the suspension assemblies move during shock, the ABS is not disrupted. The examiner alleges that each reference teaches this but not surprisingly comes up blank in identifying any support whatsoever for his allegations. Since it is not precluded, based on their teachings, that in each reference the ABS is disrupted, it cannot be inherent that any relied-upon reference satisfies the claims. Absent explicit teachings or properly established inherency, the rejections fall.

Indeed, Onda, for instance, appears to concede disruption of the ABS (see the eighth sentence of the abstract, contemplating that the suspension hits the disk), while the Japanese reference contains no English language teachings at all, but only drawings that are silent as to air bearing surfaces being disrupted or not. Eckerd et al. does not even mention the term "air bearing surface".

Certain allegations related to the dependent Claims must be addressed. By way of non-limiting example, Claim 7 now specifies that, unlike the relied-upon motion limiting elements of Onda and the Japanese references, the motion limiting element extends across only a portion of the disk radius. Claim 8, which has been rejected using only Eckerd et al., now recites that, as disclosed in the present specification, the motion limiting element is juxtaposed with and is separate from the ramp; in Eckerd et al., the relied-upon element 138 *is* the ramp itself.

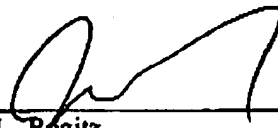
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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